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 DEPARTMENT OF STATE

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

UNITED STATES DEPARTMENT OF STATE,)	CASE NO. 19-cv-04094-HSG
)	
Plaintiff,)	STIPULATION AND PROPOSED ORDER
)	MODIFYING EXPERT DEADLINE
v.)	
)	
BRUCE OWEN and ALEXANDRA OWEN,)	
)	
Defendants.)	

Plaintiff United States Department of State (“Plaintiff”) and defendants Bruce Owen and Alexandra Owen (“Defendants”), by and through their undersigned counsel, hereby STIPULATE and respectfully REQUEST that the Court modify the expert deadline in this action as follows:

WHEREAS, on August 12, 2020, Plaintiff noticed the depositions of Defendants’ experts Rachael Greiner and Claudio Bluer for August 18, and 20, 2020, respectively;

WHEREAS, on August 13, 2020, Defendants’ counsel notified Plaintiff’s counsel that Mr. Bluer would be available for a deposition on August 20, 2020;

WHEREAS, on August 17, 2020, Defendants’ counsel notified Plaintiff’s counsel that Ms. Greiner would not be available on August 18, 2020,

WHEREAS, on August 18, 2020, Plaintiff filed an administrative motion seeking to modify the case deadlines, including extending the deadline to conduct all expert depositions until September 17,

2020, so they occur after Plaintiff's expert conducts his inspection by August 27, 2020 (ECF No. 51);

WHEREAS, Plaintiff's filing of the administrative motion in Plaintiff's view effectively served to take the currently-noticed depositions off calendar until the parties received the Court's ruling on the motion;

WHEREAS, in the evening of August 18, 2020, the Court issued its Amended Scheduling Order, which exempts the deadlines for Plaintiff's supplemental expert report and to conduct supplemental expert deposition from the close of discovery of August 20, 2020, and sets the deadline for Plaintiff's supplemental expert report for September 3, 2020 and the deadline to conduct supplemental expert deposition for September 10, 2020 (ECF No. 52);

WHEREAS, the Amended Scheduling Order states that "Plaintiff has indicated that it noticed depositions of Defendant's experts on August 18 and 20, 2020," and orders that "[t]o the extent the parties anticipated proceeding on these days, nothing in this amended scheduling order should affect these depositions" (*id.* at 1 n.1);

WHEREAS, following the parties' review of the Amended Scheduling Order, Plaintiff was unable to reschedule the deposition of Ms. Greiner for August 19, 2020 given the logistics involved in rescheduling a deposition the same day;

WHEREAS, on August 19, 2020, Plaintiff's counsel inquired about resetting Mr. Bluer's deposition on August 20, 2020, and Defendants' counsel informed Plaintiff's counsel that Mr. Bluer was no longer available for a deposition on August 20, 2020;

WHEREAS Mr. Bluer is available for deposition on August 25, 2020;

WHEREAS, Plaintiff intends to reschedule the depositions of Defendants' experts previously noticed for August 18 and 20, 2020, for a date after August 20, 2020, without potentially violating the Amended Scheduling Order;

WHEREAS, on August 19, 2020, the parties met and conferred and are in the process of rescheduling the depositions of Mr. Bluer and Ms. Greiner for the week of August 24, 2020 and August 31, 2020;

NOW, THEREFORE, IT IS HEREBY STIPULATED that Plaintiff will conduct the depositions of Ms. Greiner and Mr. Bluer by September 10, 2020, as set forth above.

1 **SO STIPULATED.**

2 Respectfully submitted,

3
4 DAVID L. ANDERSON
United States Attorney

5 Dated: August 20, 2020

6 By: /s/ Savith Iyengar
SAVITH IYENGAR
Assistant United States Attorney
Attorneys for Plaintiff

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8 By: **/s/ Daniel Berko
DANIEL BERKO
Attorney for Defendants

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10 ** Pursuant to Civ. L.R. 5-1(i)(3), the filer of the document
11 has obtained approval from this signatory.

12
13 **~~PROPOSED~~ ORDER**

14 IT IS HEREBY ORDERED that that Plaintiff is permitted to conduct the depositions of
15 Defendants' experts by September 10, 2020.

16 SO ORDERED.

17
18
19 Dated: 8/21/2020

20 Haywood S. Gilliam Jr.
HON. HAYWOOD S. GILLIAM JR.
United States District Judge